

**JOE WARDY**  
MAYOR



**CITY COUNCIL**

**SUSAN AUSTIN**  
DISTRICT NO. 1

**ROBERT A. CUSHING, JR.**  
DISTRICT NO. 2

**JOSE ALEXANDRO LOZANO**  
DISTRICT NO. 3

**JOHN F. COOK**  
DISTRICT NO. 4

**DANIEL S. POWER**  
DISTRICT NO. 5

**PAUL J. ESCOBAR**  
DISTRICT NO. 6

**VIVIAN ROJAS**  
DISTRICT NO. 7

**ANTHONY W. COBOS**  
DISTRICT NO. 8

**SPECIAL CITY COUNCIL MEETING  
COUNCIL CHAMBERS  
NOVEMBER 3, 2003  
9:00 A.M.**

The City Council met at the above place and date at approximately 9:04 a.m. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Jose Alexandro Lozano, John F. Cook, Daniel S. Power and Anthony Cobos. Late Arrivals: Robert A. Cushing, Jr., arrived at 9:04 a.m. and Vivian Rojas arrived at 9:13 a.m. Early Departure: Mayor Wardy left at 12:10 p.m. Absent: Paul J. Escobar.

**AGENDA**

All matters listed on the City Council Agenda for November 4, 2003.

**Mayor Wardy questioned the following items:**

**Item 10L:** Resolution that the City's Purchasing Department is hereby authorized, upon recommendation of the City's Development Coordinating Committee, to advertise to the public for sale property legally described as Blocks 79 and 80, Sunrise Acres #1, El Paso, El Paso County, Texas. The Purchasing Department is authorized to obtain an independent appraisal to establish value. [Purchasing Department, Byron Johnson, (915) 541-4308]

Byron Johnson, Director of Purchasing, gave back up information.

**Items 23C, 23D, 23E, 23F:**

**Item 23C:** An Ordinance amending Title 18 (Buildings and Construction) of the El Paso Municipal Code, by amending Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.101.5 (Existing Buildings) to modify the requirements for compliance with the technical codes related to the repair, alteration, renovation or rehabilitation of existing buildings. The penalty being as provided in Section 18.04.107 of the Code. [Building Permits & Inspections, Said Larbi-Cherif, (915) 541-4792]

**Item 23D:** An Ordinance amending Title 18 (Building and Construction) of the El Paso Municipal Code, by amending Chapter 18.08 (Building Code) Section 18.08.020 (adoption) to modify the requirements for compliance with the technical codes related to the repair, alteration, renovation or rehabilitation of existing buildings. The penalty being as provided in section 18.04.107 of the code. [Building Permits and Inspections, Said Larbi-Cherif, (915) 541-4792]

**Item 23E:** An Ordinance amending Title 18 (Building and Construction) of the El Paso Municipal Code, by amending Chapter 18.10 (Residential Code) Section 18.10.030 (Administration - Amended) to modify the requirements for compliance with the technical codes related to the repair, alteration, renovation or rehabilitation of existing residential buildings. The penalty being as provided in section 18.04.107 of the code. [Building Permits and Inspections, Said Larbi-Cherif, (915) 541-4792]

**Item 23F:** An Ordinance amending Title 18 (Building and Construction) of the El Paso Municipal Code, by creating Chapter 18.28 (Existing Building Code), and adopting the 2003 edition of the International Existing Building code to modify the requirements for compliance with the technical codes related to the repair, alteration, renovation or rehabilitation of existing buildings. The penalty being as provided in section 18.04.107 of the code. [Building Permits and Inspections, Said Larbi-Cherif, (915) 541-4792]

Said Larbi-Cherif, Interim Director of Building Services, gave back-up information.

Representatives Cook, Lozano and Austin commented.

**Items 23A and 23B:**

**Item 23A:** An Ordinance of the City Council of the City of El Paso, Texas, calling a Special Election for the submission of Charter Amendments to be held within the City, making provisions for the conduct of the election and other provisions incident and related to the purpose of this Ordinance. [Mayor's Office, Laura Uribarri, (915) 541-4145]

**Item 23B:** An Ordinance of the City Council of the City of El Paso, Texas, calling a Bond Election to be held within the City, on February 7, 2004; making provisions for the conduct of the election and other provisions incident and related to the purpose of this Ordinance, and providing an effective date. [Building and Planning Services, Patricia D. Adaudo, Deputy CAO (915) 541-4745]

Mayor Wardy commented on the bond issue and how it will replace existing debt. He explained the need for fiscal responsibility and explained the efforts the City is making to maximize revenue collection. He explained that the bond issue will be for \$90 million for infrastructure and there will be equity among the districts with the \$10 million allocated per district.

Mayor Pro Tem Cobos, Representative Austin and Representative Power commented.

Mayor Pro tem Cobos pointed out that the pump station for District 8 should be classified as a city-wide project.

**Representative Susan Austin questioned the following items:**

**Item 28: PUBLIC HEARING – FINANCIAL AND ADMINISTRATIVE SERVICES:**

[Financial and Administrative Services, William Chapman, (915) 541-4011]

An Ordinance revising the Fee Schedule for the Fire Department Medical Services System of the City of El Paso and repealing any previous fee structures.

Mayor Wardy explained the rationale for the proposed increase to ambulance fees and the role the increase plays in the across the board examination of all City fees. He explained it is part of a plan to avoid an across the board property tax increase.

Representative Cushing questioned whether or not the fee increase would result in the receipt of more revenue. He displayed two bills on the overhead to illustrate his point about Medicare and Medicaid reimbursement. He asked about the definition of base charge and what is included in the term. He also asked about the wording of the ordinance.

Deputy Fire Chief for Medical Services Loretta Jordan explained the allowable charges under Medicare and under private plans and insurance companies. She commented on revenue collected through the Medically Indigent Program. She displayed a comparison of ambulance fees charged by other Texas cities.

Deputy Chief Administrative Officer for Financial and Administrative Services Bill Chapman explained reimbursement practices for Medicare and Medicaid and insurance companies. He explained how much he anticipates the fee increase will generate in additional revenue.

Representative Austin asked for a definition of the flat rate.

Mayor Pro Tem Cobos commented on the limitations on charges paid by the various insurance and governmental plans and how those limitations differ among the plans.

Representative Power commented that this is not just a revenue issue, but a policy issue for the health, safety and welfare of El Pasoans. He asked what percent of the collections fall under the indigent category. He asked Chief Jordan and Mr. Chapman how they planned to increase the current collection rate of the 55%.

Representative Lozano commented on the impact of the proposed increase on small businesses and on the health insurance they carry for their employees. He stated his opposition to the increase.

Representative Austin asked for a definition of the flat fee and she asked how the activity-based costing was conducted. She asked if the ambulance fee is in the Municipal Code. Ms. Lisa A. Elizondo, City Attorney, answered it is not.

Representative Power asked that for the 11/04 Council Meeting the chart on other Texas cities show the per capita income for each of those cities. He also asked for data on their collection rates, particularly Laredo and San Antonio. He asked for a definition of stand by charges.

Mayor Pro Tem Cobos questioned the seven dollar mileage as being too high.

Representative Rojas asked for a definition of COM-SAR charges from Chief Jordan.

**Item 10G:** Resolution that the Mayor be authorized to sign the City of El Paso 457 Plan Trust Agreement between the City of El Paso and ING National Trust, to establish a trust constituting a part of the City's 457(b) Deferred Compensation Plan, pursuant to which assets are held to provide for the funding of and payment of benefits under the Plan. [Office of Management and Budget, Irene Morales, (915) 541-4448]

David Almonte, OMB Director, gave back-up information on the ING contract.

Representative Austin asked if any of the City's pension boards had looked at this. She commented that contracts that are contentious should appear on Regular Agenda, not Consent Agenda.

**Item 23B:** An Ordinance of the City Council of the City of El Paso, Texas, calling a Bond Election to be held within the City, on February 7, 2004; making provisions for the conduct of the election and other provisions incident and related to the purpose of this Ordinance, and providing an effective date. [Building and Planning Services, Patricia D Adauto, Deputy CAO (915) 541-4745]

Mayor Wardy and Council discussed how city-wide projects were designated. He cited Fire and Police projects as City wide projects.

Deputy Chief Administrative Officer for Building and Planning Services Pat Adaauto gave further explanation. She outlined the process that was conducted to determine the ranking of the projects.

Representative Rojas and Representative Power stated they would delete their Fire station projects from their district's priorities.

Representative Cook stated that he wanted Fire Station 31 to be included in his district's projects.

Representative Austin asked Ms. Adaauto to explain the time- line for the election as required by the Department of Justice.

Representative Cushing asked Ms. Adaauto if she believed the designated projects would be constructed in the next two years. Ms. Adaauto replied yes.

Mayor Pro Tem Cobos asked for the amount to be earmarked for city-wide resurfacing.

Ms. Adaauto explained the city-wide resurfacing is \$8.4 and 8.5 million in 2004 and 2005, respectively.

Mayor Pro Tem Cobos stated that he would follow Representative Cook's lead and use some of his district's funds for the pump station that would benefit the whole city.

Representative Austin commented on the drainage issues in her district and whether or not the Mayor would consider putting them in his city-wide projects. Mayor Wardy said no.

Lisa Turner, citizen, asked Council to consider listing all their projects together rather than by district. She questioned whether the projects-by-district is a responsible method.

Mayor Wardy explained that the projects-by-district method is an attempt to better inform and include the voters.

Representative Austin asked if the project list is exhaustive for the needs of the next two years.

Mayor Wardy and Mr. Chapman explained that the original requests were more numerous, but had been trimmed to this list.

Representative Rojas asked the Mayor if Council could see his city-wide project list.

#### **Item 24: REJECTION OF BIDS: PURCHASING**

Request approval for the Director of Purchasing to reject all bids submitted for Bid Number 2003-199, EPIA Fixed Base Operators Ramp & NASA Apron. The Purchasing Department and the El Paso International Airport recommend re-bidding. This item will re-bid with revised specifications.

Department: El Paso International Airport  
[Purchasing Department, Jaime Huerta, (915) 541-4748]

Representative Austin asked Director of Aviation Pat Abeln to explain the rejection of all bids and any issue with the FAA. She asked if other Airport bids had required TxDOT approved contractors.

Mr. Abeln explained at the J.A.R. bid is \$1 million under all other bids and that is of concern. He stated the Airport had asked for a list of all subcontractors. That list was supplied by J.A.R. at 4:00 on Friday. He indicated he would like an additional week to review the subcontractor list for one week in order to give a prudent examination of the issue. Mr. Abeln explained that J.A.R. has done fine work for the Airport in the past. He wants Ralph Martinez Engineering to examine the list and conduct an analysis of the materials to be used.

Representative Cook commented that whatever the City does, it needs to be rooted on scientific, engineering principals.

Ralph Martinez, engineer, explained what analysis he will be conducting. He stated that he did not think he can perform a physical test of the materials until the contract is awarded.

Byron Johnson, Director of Purchasing, commented that he still does not have a correct or amended form for the suppliers on file from J.A.R. He explained what lists J.A.R. needs to submit. He also explained how public reading of bids is conducted.

Mr. Abeln stated he would prefer this item be postponed for one week.

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**Item 23A:** An Ordinance of the City Council of the City of El Paso, Texas, calling a Special Election for the submission of Charter Amendments to be held within the City, making provisions for the conduct of the election and other provisions incident and related to the purpose of this Ordinance.  
[Mayor's Office, Laura Uribarri, (915) 541-4145]

Representative Austin recapped what had occurred at Friday's meeting on the charter and what she hoped to accomplish today.

Mayor Pro Tem Cobos asked that each amendment be considered one-by-one.

**Amendment No. 1: Four Year Terms**  
Everyone expressed agreement to leave this amendment in the proposed language to be voted on at the City Council meeting of November 18, 2003.

**Amendment No 2: Ten year term limit**  
  
Mayor Pro Tem Cobos questioned the ten year term limit and how it would apply with the four year terms of office.  
  
Mayor Wardy commented and Representative Austin questioned Legal about the application of the term limit. Assistant City Attorney Al Avila explained how the term limit would apply.

Representative Cushing suggested revisions to the language to limiting it to ten years throughout their lifetime.

There was agreement among the Council to revise the language to be presented for the Council meeting of November 18, 2003, citing the lifetime limit.

**Amendment No. 3: Salary**  
  
Representative Power commented on the need to raise the salary and on San Antonio's experience with the salary issue. He suggested the pay increase be made effective immediately at a level under the \$41,000. He stated he believes the \$41,000 is too high.

Mayor Wardy commented on the HUD figure as the basis for the \$41,000.

Representative Cushing suggested \$2,000 per month (24,000 annually) for Council and \$3,000 (\$36,000 annually) per month for the Mayor.

Lisa A. Elizondo, City Attorney, advised on language addressing the 5% annually.

Lisa Turner, citizen, commented on the \$2,000 per month.

Mayor Wardy suggested \$3,000 for City Council and \$4,000 for the Mayor. He stated he believes the Mayor and Council jobs are full-time commitments.

Representative Austin commented on the salaries proposed for Mayor and Council in Dallas by their charter commission: \$37,500 for Council and \$60,000 for the Mayor.

Lisa Turner, citizen, told Council she thinks the \$3,000 and \$4,000 would not secure the approval of the voters.

Representative Cushing motioned, seconded by Representative Lozano to direct the City Attorney's Office to draft Amendment No. 3 setting the salary for the Council at \$2,000 for and for the Mayor at \$4,000.

Representatives Power, Cushing, and Cobos commented.

Mr. Chapman commented on the size of the budget handled by the Mayor and Council and the responsibility involved in managing that budget.

Representative Austin commented on the effective date, suggesting September 1, 2004.

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to set the Council members' salaries at \$2,000 and the Mayor's at \$3,000. No vote was taken.

Representative Cushing accepted amendments to the motion.

Motion made by Representative Cushing, seconded by Representative Power and unanimously carried to direct the City Attorney's Office to have the language for Amendment No. 3 read as the base salary: \$2,500 for the City representatives, \$4,000 for the Mayor; designating the effective date as September 1, 2004 and retaining the 5% annual increase language currently in the Charter.

#### **Amendment No. 4: Amending Articles III, IV, V, VI, VII and VIII of the Charter**

Lisa Turner, citizen, commented.

Mayor Wardy and Council discussed.

Motion made by Representative Austin, seconded by Representative Power and unanimously carried to strike the language in Amendment No. 4 applying to Article III, Section 3.6.

#### **Article V: City Manager**

Council discussed the various sections under this article.

#### **Section 5.2 (1) Powers and Duties**

Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to direct the City Attorney's Office to revise the language under Amendment No. 4, Article V, Section 5.2. (1) to read, "To take personnel actions regarding employees....."

Council discussed Section 5.2 (10) and Section 5.5 together. Much discussion centered on the Council's ability to contact department heads under the City Manager form of government.

Mayor Wardy and Representatives Power, Cushing, Cook, Austin, Cobos, Rojas and Lozano commented.

Rick Armendariz, Intergovernmental Affairs Officer, commented.

Lisa Turner, citizen, commented.

Motion made by Representative Cook, seconded by Mayor Pro Tem Cobos and unanimously carried to direct the City Attorney's Office to leave Section 5.5 as presented.

AYES: Representatives Austin, Cushing, Cook and Cobos

NAYS: Representatives Lozano and Rojas

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to direct the City Attorney's Office to revise Article V, Section 5.10 to read, "Provide support to the offices of the Mayor and Representatives."

Representative Austin expressed concerns about the September 1, 2005 effective date. She argued it should be September 1, 2004 under Article VIII Section 8.7 and she argued that the amount of time the Chief Administrative Officer functions as the Interim City Manager should be limited in the charter language.

Representative Power commented.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to direct the City Attorney's Office to change the effective date to September 1, 2004, in Section A and in Section B to change the dates to September 1, 2004, and August 31, 2004.

#### Section 6.2-3 Removal of Unclassified Personnel

Representative Rojas questioned this section.

Representatives Cobos and Cushing commented.

Lisa A. Elizondo, City Attorney, commented.

#### **Amendment No. 6: Salary Standardization/Incentive Pay**

Mayor Wardy commented on his reasons for proposing this.

Terry Bond, Human Resources Director, commented on how it would apply.

#### **Amendment No. 7: Fire and Police Pension Fund**

Robert Gibson, attorney for Gordon and Mott, offered to explain the amended language.

Representative Cushing questioned Mr. Gibson.

Mayor Pro Tem Cobos commented.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to direct the City Attorney's Office to revise the language for Section 6.11 D to remove the language " that cannot be modified without the City's advance written consent".

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Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to adjourn this meeting at 12:35 p.m.

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APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk